

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN LUNDEEN,

Defendant.

NO. CR19-256-RSL

**PRELIMINARY
ORDER OF
FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Jonathan Lundeen's interest in the following property:

- One HK .40 caliber handgun, bearing serial number 021-1104, and any associated ammunition; and
- One Smith & Wesson .40 caliber handgun, bearing serial number FYJ2174, and any associated ammunition.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The above-identified property is forfeitable pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), as it was involved in Defendant's Felon in Possession of a Firearm offense, in violation of 18 U.S.C. § 922(g)(1); and,
- Pursuant to the Plea Agreement he entered on September 29, 2020, Defendant agreed to forfeit the above-identified property pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) (Dkt. No. 36, ¶ 6).

NOW, THEREFORE, THE COURT ORDERS:

1) Pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), and his Plea Agreement, the Defendant's interest in the above-identified property is fully and finally forfeited, in its entirety, to the United States;

2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;

3) The Department of Justice, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and/or their authorized agents or representatives shall maintain the above-identified property in their custody and control until further order of this Court;

4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the property as permitted by governing law. The notice shall be posted on an official government website – currently www.forfeiture.gov – for at least thirty (30) days. For any person known to have alleged an interest in the property, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than Defendant, who has or claims a legal interest in the property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property;
- b. shall be signed by the petitioner under penalty of perjury; and,
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the property, as well as any facts supporting the petitioner's claim and the specific relief sought.

5) If no third-party petition is filed within the allowable time period, the United States shall have clear title to the property, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6) If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

7) The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of

///

///

///

1 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
2 Fed. R. Crim. P. 32.2(e).

3
4 IT IS SO ORDERED.

5 DATED this 15th day of March 2021.

7
8 

9 THE HON. ROBERT S. LASNIK
10 UNITED STATES DISTRICT JUDGE
11
12
13
14

15 Presented by:

16
17 s/Jehiel I. Baer

18 JEHIEL I. BAER

19 Assistant United States Attorney

20 United States Attorney's Office

21 700 Stewart Street, Suite 5220

22 Seattle, WA 98101

23 (206) 553-2242

24 Jehiel.Baer@usdoj.gov
25
26
27
28